

# SMALL CLAIMS OVERVIEW

SMALL CLAIMS COURT IS A SPECIAL COURT IN WHICH DISPUTES ARE RESOLVED QUICKLY, INEXPENSIVELY AND INFORMALLY. SMALL CLAIMS CASES ARE CIVIL MATTERS WHERE THE PERSON IS ASKING FOR MONEY AS THE SOLUTION FOR THEIR PROBLEM. THE AMOUNT OF THE DISPUTE MUST BE NO MORE THAN \$5,000. THE PERSON WHO FILES THE LAWSUIT IS CALLED THE PLAINTIFF. THE PERSON BEING SUED IS CALLED THE DEFENDANT.

THE GOALS OF QUICKLY, SIMPLY AND INEXPENSIVELY RESOLVING THE DISPUTE, REQUIRE DIFFERENT PROCEDURES THAN THOSE USED IN THE REGULAR COURT PROCESS. FOR EXAMPLE, THERE ARE NO ATTORNEYS ALLOWED. PARTIES REPRESENT THEMSELVES AND ARGUE THEIR CASE BEFORE THE JUDGE. THE JUDGE WHO HEARS THE SMALL CLAIMS CASES MAY BE A COMMISSIONER (LIKE A JUDGE BUT SOMEONE WHO IS APPOINTED NOT ELECTED) OR A JUDGE PRO TEM (LAWYER WHO HEARS AND DECIDES CASES). THE JUDGE ASKS THE PARTIES TO PRESENT THEIR SIDE OF THE STORY, USING EVERYDAY LANGUAGE, AND NOT LEGAL TERMS. THE JUDGE MAKES THE DECISION ON ALL SMALL CLAIMS CASES, THERE ARE NO JURIES.

EXAMPLES OF THE TYPES OF CIVIL CASES THAT COULD BE HEARD IN SMALL CLAIMS COURT INCLUDE:

- YOUR FORMER TENANT OWES YOU FOR DAMAGES TO YOUR RENTAL PROPERTY.
- YOUR NEIGHBOR DENTED YOUR CAR FENDER AND REFUSES TO PAY.
- YOU BOUGHT A NEW DIGITAL CAMERA THAT DOESN'T WORK BUT THE STORE WON'T FIX IT.
- YOU LENT MONEY TO A FRIEND WHO REFUSES TO PAY YOU BACK.
- YOUR SINK LEAKED AND RUINED YOUR KITCHEN FLOOR AFTER JUST BEING REPAIRED BY THE PLUMBER.
- YOUR PAINTER FINISHED ONLY PART OF THE WORK HE AGREED TO DO UNDER THE CONTRACT.

THERE ARE OTHER CIVIL CASES THAT ARE NOT CONSIDERED SIMPLE DISPUTES DUE TO THE COMPLEXITY, THE AMOUNT OF MONEY INVOLVED OR THE IMPORTANCE OF THE ISSUES. THESE WOULD NOT BE DECIDED IN SMALL CLAIMS COURT.

TO START A SMALL CLAIMS CASE, THE PLAINTIFF MUST FILE A SPECIAL FORM GIVEN TO HIM OR HER BY THE CLERK'S OFFICE OF THE SUPERIOR COURT. THE PLAINTIFF ALSO PAYS A FILING FEE THAT HAS BEEN SET BY THE CALIFORNIA LEGISLATURE. THE DEFENDANT IS NOTIFIED OF THE CASE AGAINST HIM. THE CASE WILL BE HEARD IN A SHORT PERIOD OF TIME, USUALLY NO MORE THAN 40 DAYS FROM THE PAPERS BEING FILED. THIS GIVES THE PARTIES TIME TO PREPARE THEIR CASES BUT INSURES THEY DON'T HAVE TO WAIT TOO LONG.

AT THE HEARING, JUST LIKE OTHER TRIALS, WITNESSES MAY TESTIFY AND OTHER EVIDENCE SUCH AS DOCUMENTS AND PHOTOGRAPHS MAY BE PRESENTED. THE JUDGE MAY MAKE A DECISION AT THE HEARING OR MAY MAIL IT AFTERWARDS. THE DECISION IS CALLED A JUDGMENT. IF THE DEFENDANT LOSES THE CASE, HE MAY FILE AN APPEAL, BUT THE PLAINTIFF CANNOT.